



State of Louisiana
Division of Administrative Law
ETHICS ADJUDICATORY BOARD
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BOBBY JINDAL
Governor

ANN WISE
Director

November 18, 2015

VIA US MAIL

Mr. William Caster
1621 Generes Drive
Harahan, LA 70123

VIA ELECTRONIC TRANSMISSION

Ms. Suzanne Q. Mooney
Attorney at Law
Louisiana Board of Ethics
P.O. Box 4368
Baton Rouge, LA 70821

RE: NOTICE OF MAILING OF DECISION
IN THE MATTER OF: **William Caster**
Docket No. **2015-6602-ETHICS-A**
Enforcement Tracking # **2014-472**

To the parties in the above entitled matter:

Attached is the decision of the Ethics Adjudicatory Board in the above captioned matter.
This decision is being mailed on November 18, 2015.

If you have any questions, you may call Ms. Monika Wright, DAL attorney, at (225)219-9954.

Clerk of Court
Division of Administrative Law

cc: Mr. Michael D. Dupree, Attorney, Louisiana Board of Ethics (via electronic transmission)

**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW
ETHICS ADJUDICATORY BOARD**

BOARD OF ETHICS

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* **DOCKET NO. 2015-6602-ETHICS-A**

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IN THE MATTER OF

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WILLIAM CASTER

* **AGENCY TRACKING NO. 2014-472**

DECISION AND ORDER

William Caster knowingly failed to file his 2013 supplemental campaign finance disclosure report as required by law. The Board of Ethics may impose upon Mr. Caster additional civil penalties as allowed by La. R.S. 18:1505.4(A)(4)(b).

APPEARANCES

A hearing was conducted October 22, 2015, in Baton Rouge, before Panel A of the Ethics Adjudicatory Board (EAB). Jennifer Land and Haley Williams, counsel for the Board of Ethics, appeared for the hearing. William Caster (Respondent) did not appear for the hearing.

STATEMENT OF THE CASE

The Board of Ethics (BOE) requested that the EAB conduct an adjudicatory hearing to determine whether, pursuant to La. R.S. 18:1505.4(A)(4)(b), Respondent's 2013 supplemental campaign finance disclosure report for the October 2, 2010, election for the office of Mayor of the City of Harahan was filed more than 11 days late.

This adjudication is conducted in accordance with the Campaign Finance Disclosure Act, La. R.S. 18:1481, *et seq.*, the Code of Governmental Ethics, La. R.S. 42:1101, *et seq.*, and the Administrative Procedure Act, La. R.S. 49:950, *et seq.*

FINDINGS OF FACT

Respondent was a candidate in the October 2, 2010, election for the office of Mayor of the City of Harahan, Parish of Jefferson.¹ The office of Mayor of the City of Harahan is an "any other" level public office.² Respondent lost the election.³ Respondent is not currently an elected public official.⁴

The BOE is the Supervisory Committee under the Campaign Finance Disclosure Act (CFDA).⁵ As a candidate for public office, Respondent is responsible for the filing of reports of all information required by the CFDA with the Supervisory Committee at the times required by the CFDA. Respondent filed a 10-G campaign finance report on February 16, 2011, for the October 2, 2010 election.⁶ The 10-G report showed that Respondent made expenditures of \$8,003.63. The 10-G report also showed that Respondent had a loan balance of \$10,800, less cash on hand of \$2,185.71, resulting in a deficit of \$8,614.29.⁷ Respondent was required to file a 2013 supplemental campaign finance disclosure report ("2013 supplemental report") by February 15, 2014.

On August 13, 2014, the BOE issued a Late Fee Assessment Order to Respondent that was served by certified mail for his failure to file the 2013 supplemental report.⁸ Respondent's spouse, Misty Caster, signed the certified mail receipt on August 20, 2014.⁹ Respondent did not

¹ BOE Exhibit 1.

² An "any other" level office is one which does not meet the definition of "district" or "major" level office provided in La. R.S. 18:1483(7) or (11).

³ BOE Exhibit 2.

⁴ See *Elected Officials*, LOUISIANA SECRETARY OF STATE, <https://voterportal.sos.la.gov/ElectedOfficials> (last visited November 16, 2015).

⁵ La. R.S. 18:1483(19).

⁶ BOE Exhibit 3.

⁷ *Id.*

⁸ BOE Exhibit 5.

⁹ *Id.* Misty Caster is identified as Respondent's spouse on his Tier 2 Personal Financial Disclosure Form, see BOE Exhibit 6.

file the 2013 supplemental report after he received the Late Fee Assessment Order.¹⁰ On May 14, 2015, the BOE voted to file formal charges against Respondent, and he was served with the charges by certified mail on June 23, 2015.¹¹ As of October 22, 2015, the date of the hearing, Respondent had not filed a 2013 supplemental report.¹²

CONCLUSIONS OF LAW

William Caster knowingly failed to file his 2013 supplemental report as required by law. Respondent ran for the office of Mayor of the City of Harahan, an "any other" level public office. Each person who runs for such an office and makes expenditures in excess of \$2,500 is required to file certain campaign finance disclosure reports.¹³ These reports are required to be filed on specific days before and after an election. The BOE charged that Respondent failed to file a 2013 supplemental report by the February 15, 2014, statutory deadline.

A candidate who is not an elected public official and who has a campaign deficit or surplus equal to or greater than \$2,500 must file supplemental reports with the BOE of all information required in La. R.S. 18:1495.5.¹⁴ Such reports must be filed each year for five years or until a report has been filed that shows no deficit or surplus.¹⁵ The required supplemental report must be filed annually no later than February fifteenth.¹⁶

Respondent filed a 10-G campaign finance report on February 16, 2011, for the October 2, 2010, election, reflecting a deficit of \$8,614.29. Because Respondent had a campaign deficit greater than \$2,500, he was required to file a supplemental report for five years or until the campaign has no surplus or deficit. Respondent did not file the 2013 supplemental report, which

¹⁰ BOE Exhibit 7.

¹¹ BOE Exhibit 4.

¹² BOE Exhibit 8.

¹³ La. R.S. 18:1484(2)(a).

¹⁴ La. R.S. 18:1495.4(D)(3).

¹⁵ *Id.*

¹⁶ La. R.S. 18:1495.4(D)(3)(a).

was due by February 15, 2014. Respondent knew the report was late because he was served by certified mail on August 20, 2014, with a late fee order regarding his failure to file the report. Respondent was also served with charges by certified mail on June 23, 2015. Failure to file the report within three days after the final date for filing is presumptive evidence of intent not to file the report.¹⁷

La. R.S. 18:1505.4(A)(4)(b) provides that if, after conducting an adjudicatory hearing, the EAB determines that a candidate knowingly failed to file the required campaign finance disclosure reports, or filed them more than 11 days late, then the BOE, functioning as the Supervisory Committee, may impose upon the candidate additional civil penalties. Respondent knowingly failed to file his 2013 supplemental report by the February 15, 2014 statutory deadline. The 2013 supplemental report is more than 11 days late.

ORDER

IT IS ORDERED that William Caster's 2013 supplemental campaign finance disclosure report is more than 11 days late, and the Board of Ethics may impose upon William Caster additional civil penalties as allowed by La. R.S. 18:1505.4(A)(4)(b).

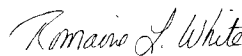
Rendered and signed November 17, 2015, in Baton Rouge, Louisiana.



Adaora Chukudebelu
Presiding Administrative Law Judge



A. Brock Avery
Administrative Law Judge



Romaine L. White
Administrative Law Judge

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Wednesday, November 18, 2015, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court
Division of Administrative Law

¹⁷ La. R.S. 18:1505.1(A).

REVIEW RIGHTS

Please be advised that you may be entitled to a rehearing or reconsideration of this decision within 10 days of the date of this transmission, if you can establish that one of the legal grounds listed in La. R.S. 49:959 is applicable to your case. Requests for a rehearing or reconsideration must be received by the Ethics Adjudicatory Board within 10 days of the date of this transmission. You may fax your request to (225)219-9983 or email it to EABprocessing@adminlaw.state.la.us. You may also be entitled to judicial review of this decision within certain time limits. To determine your rights to review, you should act promptly and seek legal advice.